

Appl. No. : 09/782,586
Filed : February 12, 2001

REMARKS

Claims 1–34 are pending in this application. In the June 18, 2003 Office Action, the Examiner rejected Claims 1–34. In particular, the Examiner rejected Claims 1–25 and 34 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,289,357 (“the Parker patent”) in view of U.S. Patent No. 6,151,607 (“the Lomet patent”). The Examiner further rejected Claims 26–33 under 35 U.S.C. § 103(a) as being unpatentable over Lomet.

For the reasons set forth hereafter, Applicants respectfully disagree and request reconsideration and allowance of the pending claims.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 1–25 and 34

The Examiner rejected Claims 1–25 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Parker in view of Lomet.

Focusing on independent Claim 1, in one embodiment of Applicants’ invention a device is disclosed for performing replication between a source system and a target system. The device comprises, among other things: (1) a source system having data files and log files, (2) a target system, and (3) a replication system for performing replication of at least portions of the data files of the source system to the target system. In particular, the replication system comprises transaction-level poster queues and a reconcile process that purges transactions from the poster queues when the transactions have already been applied to the target system during recovery of the target system.

Neither Parker nor Lomet discloses a reconcile process that purges transactions from transaction-level poster queues when the transactions have already been applied to the target system during recovery of the target system. The Examiner acknowledged in the June 18, 2003 Office Action that Parker did not disclose a replication system with transaction-level poster queues and a reconcile process.

In addition, Lomet does not describe a reconcile process that monitors which transactions have been applied to the target system during recovery of the target system. Rather, the Lomet appears to disclose a system that maintains a stable log 270, as illustrated in Figures 24 and 25 and as described in Columns 35–36. The

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stable log 270 contains a record of information stored in a stable database. Thus, the stable log 270 contains a log of information stored in a stable database before a crash occurs. This stable log 270 is then used to rebuild a database during a recovery operation.

Lomet, however, fails to describe any monitoring of when transactions in the stable log 270 are applied during the recovery process. That is, the Lomet patent does not disclose a system that can determine "when the transactions have already been applied to the target system during recovery of the target system." Furthermore, the Lomet patent fails to describe purging those transactions that have already been applied.

Because the references cited by the Examiner do not disclose, teach or suggest a device that monitors which transactions have been applied to the target system during recovery of the target system so that such transactions can be purged from the poster queues, Applicants assert that Claim 1 is not obvious in view of Parker and Lomet. Applicants respectfully request allowance of Claim 1.

Independent Claims 2, 17, and 34 are believed to be patentable for the different aspects recited therein.

Claims 3–16 depend from independent Claim 2 and are believed to be patentable for the additional features recited therein.

Claims 18–25 depend from independent Claim 17 and are believed to be patentable for the additional features recited therein.

Claims 26–33

The Examiner rejected Claims 26–33 under 35 U.S.C. § 103(a) as being unpatentable over Lomet.

Independent Claim 26 is believed to be patentable for reasons similar to those set forth with respect to the patentability of independent Claim 1 and for the different features recited therein.

Claims 27–33 depend from independent Claim 26 and are believed to be patentable for the additional features recited therein.

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REQUEST FOR TELEPHONE INTERVIEW

Pursuant to M.P.E.P. § 713.01, in order to expedite prosecution of this application, Applicants' undersigned attorney of record hereby formally requests a telephone interview with the Examiner as soon as the Examiner has considered the effect of the arguments presented above. Applicants' attorney can be reached at (949) 721-2998 or at the number listed below.

CONCLUSION

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12/17/03

By: John R. King
John R. King
Registration No. 34,362
Attorney of Record
Customer No. 20,995
(949) 760-0404

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